THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 35687 OF 1998

Dated 12th April, 2007

Between:

K.Sunki Reddy

…Petitioner

And

The State of A.P. represented by its
Secretary, Health Department, Secretariat,
Hyderabad and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner who is the owner of House bearing No. C-927, MIG-II in NGOs' Colony, Vanasthalipuram, Hyderabad, questions the construction of a septic tank in the hospital constructed by respondents 1 and 2.

It is the case of the petitioner that he is the owner of the House bearing No. C-927, MIG-II in NGOs' colony, Vanasthalipuram, Hyderabad, allotted by the Hyderabad Urban Development Authority. The respondents were constructing a 100 bed hospital in the NGOs' colony at Vanasthalipuram with the World Bank assistance. It is the grievance of the petitioner that house of the petitioner is located on the south-eastern corner of the hospital and in the said corner the respondents are constructing a septic tank. The grievance of the petitioner is that without taking any steps for discharging the wastage into the drainage system is available, the respondents are taking steps for construction of the septic tank on the south eastern corner and any construction of septic tank at that corner will pollute the ground water as the bore-well of the petitioner is very nearer to it.

In the counter affidavit filed on behalf of the respondents, it is stated that the water of septic tank will not penetrate into the ground since the same is designed by laying plain cement concrete in cement mortor (1:5:10) with 100 mm thick as base course and even the side walls are designed with C.Rs. masonry in cement mortar. Further it is stated that the Area Hospital at Vanasthalipuram is designed for 100 bed facility and there is existing 20 feet wide road between the petitioner's house and the compound wall of the

hospital. It is also stated that the bore-well referred to above by the petitioner is 15' away from his compound wall, thus, the bore-well of the petitioner is about 43 feet away from the septic tank. It is stated that the septic tank was proposed for construction in the south-eastern corner of the main building since natural slopes are permitting to connect the entire hospital drainage into the septic tank and the septic tank will be cleaned every six months by transporting waste water through tankers to a far off place and it is also stated that in view of the design and material used, there will not be any penetration of water and there will not be any pollution.

The construction of the septic tank is questioned only on the apprehension of pollution of the ground water. In the counter affidavit it is stated that the septic tank is designed with plain cement concrete in cement mortar and regularly waste water will be transported by engaging tankers and in view of the distance between the location of the septic tank and the bore-well of the petitioner, which is about 43 feet, there is no bar for constructing such septic tank and the same is required for the purpose of the entire hospital and the same is not in violation of any rules. Therefore, in view of the stand of the respondents, it cannot be said that the construction of septic tank is illegal.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

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12-4-2007

R.SUBHASH REDDY, J.

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